



03/08/02

39374-P001C2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 39374-P001C2

Anticipated Classification of this application:

Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior Application: 09/219,048

Examiner: A. Bryan Waters et al.

Art unit: 2163



BOX PATENT APPLICATION  
 ASSISTANT COMMISSIONER FOR PATENTS  
 WASHINGTON, D.C. 20231

Sir:

This is a request for filing a continuation application under 37 C.F.R. § 1.53(b), of pending prior application serial No. 09/219,048 of A. Bryan Waters et al. (inventors currently of record in prior application) for SYSTEM AND METHOD FOR OPTIMIZING MEDICAL DIAGNOSIS PROCEDURES AND CLAIMS USING A STRUCTURED SEARCH SPACE.

1.   X   Enclosed is a copy of the prior application, including the oath or declaration as originally filed and an affidavit or declaration verifying it as true copy. (See 8 and 9 for drawing requirements.)
2.   X   Applicant claims small entity status (37 C.F.R. 1.27).
3.   X   The filing fee is calculated below:

CERTIFICATION UNDER 37 CFR 1.10I hereby certify that, on the date shown below, this correspondence is being: **MAILED**

- ☒ deposited with the United States Postal Service in an envelope addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231 as "Express Mail Post Office to Addressee"

Mailing Label No. EL 823 270 705 US (mandatory)

Signature

Date: 3/8/02

Serena Beller

(Type or print name of person certifying)

## CLAIMS AS FILED IN THE PRIOR APPLICATION LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

<u>For</u>	<u>No. filed</u>	<u>No. extra</u>
Total claims*	20	0
Indep. claims*	4	1

     Multiple Dependent Claim Presented

\*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.

<u>Fees for Small Entity</u>		or	<u>Fees for other than a small entity</u>	
<u>Rate</u>	<u>Fee</u>		<u>Rate</u>	<u>Fee</u>
	\$ 370.00	or		\$ 740.00
<u>    </u> x \$ 9 =	\$ <u>    </u>	or	<u>0</u> x \$ 18 =	\$ <u>    </u>
<u>1</u> x \$ 42 =	\$ <u>42.00</u>	or	<u>0</u> x \$ 84 =	\$ <u>    </u>
+ \$140 =	\$ <u>    </u>	or	+ \$280 =	\$ <u>    </u>
TOTAL	\$ <u>412.00</u>	or	TOTAL	\$ <u>    </u>

4.          The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 23-2426 (39374-P001C2). **A duplicate copy of this Request is enclosed.**
5.   X   A check in the amount of \$ 412.00 is enclosed.
6.   X   The fee calculation is based on the cancellation of original claims 1-28 and added new claims 29-48 pursuant to a preliminary amendment filed concurrently herewith.
7.   X   Amend the specification by inserting before the first line the sentence: This is a   X   continuation,      division of application serial no. 09/219,048 filed December 23, 1998.

8. \_\_\_\_\_ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by § 1.138 and before payment of base issue fee.)
9.   X   New   X   formal, \_\_\_\_\_ informal drawings are enclosed.
10. \_\_\_\_\_ Priority of application serial no. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ (country), is claimed under 35 U.S.C. 119.
11. \_\_\_\_\_ The certified copy of the priority application has been filed in prior application serial no. \_\_\_\_\_, filed \_\_\_\_\_.
12.   X   With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120 the inventor(s) in this application are:
- a.   X   the same
- b. \_\_\_\_\_ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:
- c.   X   The inventorship for all the claims in the application are:
- X   the same
- \_\_\_\_\_ not the same, and an explanation, including the ownership of various claims at the time the last claimed invention was made, is submitted.

13.   X   The prior application is assigned of record to DynaMedix, Inc.

14.   X   The power of attorney in the prior application is to:

Kelly Kordzik, Reg. No. 36,571; Ross Spencer Garsson, Reg. No. 38,150; Barry S. Newberger, Reg. No. 41,527; Robert A. Voigt, Jr., Reg. No. 47,159; and Richard F. Frankeny, Reg. No. 47,573.

a.            The power appears in the original papers in the prior application.

b.   X   Since the power does not appear in the original papers, a copy of the Power in the prior application is enclosed.

c.   X   Address all future communications to:

Winstead Sechrest & Minick P.C.  
5400 Renaissance Tower  
1201 Elm Street  
Dallas, Texas 75270-2199  
Attention: Barry S. Newberger  
Registration No. 41,527

15.   X   A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in prior application.)

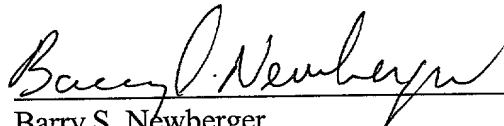
16.            A Supplemental Oath [1.67(b)(1)] for new claims            is enclosed.

17.   X   I hereby verify that the attached papers are a true copy of prior application Serial No. 09/219,048 as originally filed on December 23, 1998, and that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

8. Mar 02

Date



Barry S. Newberger

Registration No. 41,527

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1201 Elm Street  
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- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☒ Attorney or agent of record
- ☐ Filed under § 1.34(a)

AUSTIN\_1\185202\1  
39374-P001US -